

Costs Decision

Site visit made on 7 June 2019

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 15th July 2019

**Costs application in relation to Appeal Ref: APP/P1615/W/19/3222981
Land to the back of 1 Methyr Terrace, Upper Lyndbrook, Lyndbrook GL12 9PT**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Julia Ridlington for a partial award of costs against the Forest of Dean District Council.
 - The appeal was against the refusal of planning permission for the erection of a 2 storey, 2-bed detached eco house with off-street parking.
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Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG confirms that unreasonable behaviour may be demonstrated by an Authority as part of procedural issues even before the appeal was undertaken, however any costs must be related to the appeal itself.
4. Paragraph 47 of the PPG states that unreasonable behaviour can be demonstrated if the Council has been shown to have a lack of co-operation with the other party or parties which has unnecessarily caused the need for the appeal.
5. The applicant is aggrieved by the time taken to respond to phone calls with a general dissatisfaction with the level of service offered as part of the planning process when compared with other Councils that the applicant has had involvement with. There is also dissatisfaction with the refusal of the scheme during the Christmas period and three weeks before the 8 week deadline which meant that the applicant was denied the opportunity to provide further information.
6. The Council in their rebuttal statement show that there was some correspondence with the Planning Officer and the applicant on the 14, 15, and 23 November with regards to ecological issues, as well as correspondence between the 19, 20 and 21 December with regards to highway matters. It is also stated by the Council that the application was determined 7 days before the 8 week expiry, and not 3 weeks as suggested by the applicant.
7. Whilst I agree with the applicant that the Council could have exercised discretion, such as seeking an extension of time to resolve issues, particularly

given the Christmas period was fast approaching (which would have made it difficult to obtain further information from consultants), the Council is not statutorily required to do this and are only required to determine an application within the designated time frame, which they did.

8. In the Council's opinion they had enough information to determine the scheme, and to them it was inappropriate. I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council were fully justified in each of their reasons for refusal and had reasonable concerns about the impact of the proposed development which justified its decision, not only on parking and highway safety grounds, but also on the character and appearance, design and the impact to the living conditions of residents. The Applicant had to address those concerns and the evidence of third parties in any event.
9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

J Somers

INSPECTOR